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C O N F I D E N T I A L SECTION 01 OF 02 MONROVIA 000742

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SUBJECT: LIBERIA HOLDS RULE OF LAW RETREAT

Classified By: Ambassador Thomas-Greenfield for Reasons 1.4 B and D.

¶1. (SBU) SUMMARY: After more than a year of rancor between Chief Justice Johnnie Lewis and Minister of Justice Phillip A.Z. Banks III over issues of separation of powers, the two came together to hold Liberia's first rule of law retreat September 15-16. In a mostly cordial atmosphere, the Judiciary and the Ministry agreed to form an inter-governmental taskforce to continue dialogue on controversial issues such as the training of paralegals, unqualified magistrates, and provisions for legal aid. The Judiciary will stop boycotting the Governance and Rule of Law Pillar of the Poverty Reduction Strategy in exchange for the ability to co-chair the Rule of Law sub-pillar. The Ministry of Justice will work towards putting Liberia's laws on its website after all concerns over copyrights of past laws are worked out. END SUMMARY.

¶2. (C) Chief Justice Johnnie Lewis and Minister of Justice Phillip A.Z. Banks III presided over Liberia's first-ever Rule of Law Retreat September 15-16. Longtime colleagues and sometime friends, the two were barely on speaking terms earlier this year because Chief Justice Lewis said he would not work with a Minister directly because a Minister is "beneath his rank" as head of a branch of government. This argument, combined with a general clash between their individually strong personalities, meant that there had been no overall policy coordination on rule of law issues and the Governance and Rule of Law (GRL) Pillar of the Poverty Reduction Strategy (PRS) was ineffective. Since the Liberia Poverty Reduction Forum in Berlin in June, President Sirleaf and UNMIL have been pressuring both sides to find a way to work together. This retreat was the first step in achieving that goal.

¶3. (SBU) The principal result of the retreat was that an inter-governmental rule of law taskforce, made up of the Judiciary, the Ministry of Justice, the Legislature, and the Liberia Bar Association, was set up to look at ongoing issues that have been causing friction between the Judiciary and the MOJ. Everyone agreed that paralegals would help address the shortage of attorneys in country, but the issue of how much training paralegals would need and who would regulate them was delegated to the taskforce. The taskforce was also asked to determine how to train the vast majority of magistrates who are unqualified for their positions because they do not possess a law degree, as required by law. Finally, the taskforce was asked to introduce guidelines on the provision of legal aid and ensure that all non-lawyers providing legal aid are supervised by a qualified attorney.

¶4. (C) The Chief Justice has long boycotted the GRL Pillar of the PRS so as to not be "subservient" to the Executive branch. Though he yelled "I am independent!" several times throughout the retreat, he did concede that no real rule of law progress could happen without both the Judiciary and the Ministry working together. It was finally decided that the Ministry of Planning would retain the chairmanship of the GRL

Pillar, but that the Judiciary and the MOJ would co-chair the Rule of Law sub-pillar on monitoring and evaluation.

¶15. (SBU) Donor attendees of the retreat were concerned that copies of the law are not available to attorneys and judges nationwide, and virtually inaccessible to the public at large. The retreat's resolution called for the Ministry of Foreign Affairs to make paper copies of all new laws for the General Services Agency to sell to the general public. The Minister of Justice agreed that the MOJ would publish the laws on its website but said that he would not do that before he could put "all previous Liberian law online as well."

¶16. (C) COMMENT: The Rule of Law Retreat was a qualified success in that, for the first time during the Sirleaf Administration, the Judiciary and the Ministry of Justice were able to have a frank discussion about the problems in the justice sector and agree on ways they can work together to solve them. The proposed inter-governmental rule of law taskforce is key to making this happen. If it succeeds, then there is real potential that access to justice for the general Liberian population will improve and the GRL Pillar of the PRS will finally catch up with the other three pillars. If it fails, then the a corrupt and inefficient justice system will continue to hinder the development of this nation and the lagging GRL Pillar will continue to hold back the entire PRS process.

COMMENT cont.: The Minister of Justice's comment on copyright was a reference to the fact that the Minister, in partnership with Liberia Law Experts, Inc., claims copyright to some of the Liberian law books that his group drafted under a USG

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grant. His group has been seeking a financial payout for this copyright and was implying that he would not put the law online until the issue was settled. While the wrangling continues, prosecutors and private defenders do not have full access to case law, putting them at a disadvantage with private law firms, who can afford to buy the books. Despite the apparent conflicts of interest and questions to this claim, we believe that a quick, equitable settlement of the claim is the best way forward.

THOMAS-GREENFIELD